

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "... for and in behalf of N. Davis, who was formerly employed as a porter by the The Pullman Company, operating out of the Los Angeles, California District, because the Pullman Company did, under date of August 20, 1940, discharge N. Davis from the service of the company in said district upon charges unproved. And further, because said discharge was unfair, unjust, arbitrary and in abuse of the Company's discretion. And further, for N. Davis to be restored to his former position as a porter in said district with his seniority rights unimpaired, his record cleared of said charges and with pay for all time lost by virtue of said discharge."

STATEMENT OF FACTS: N. Davis, employed by The Pullman Company as a porter, operating out of the Los Angeles, California District, was assigned to service as a porter on Tourist Car WB-4244 in Line 601½, Los Angeles, Cal. to Portland, Ore., on Southern Pacific Trains 59-16, June 12-14, 1940.

It was charged that Davis conducted himself improperly toward passengers occupying accommodations in Tourist Car WB-4244 en route from Los Angeles, Cal. to Portland, Ore., June 12-14, 1940, as well as in other instances.

Hearing was held, following which Davis was formally notified of his discharge from Pullman service.

Appeals were accorded in compliance with the provisions of the Agreement, effective October 1, 1937.

OPINION OF BOARD: The evidence of record discloses no grounds for disturbing the action of the Carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the evidence of record discloses no grounds for disturbing the action of the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois this 14th day of March, 1941.